

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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RICHLAND/WILKIN JOINT POWERS  
AUTHORITY,

Civil No. 13-2262 (JRT/LIB)

Plaintiff,

and

MINNESOTA DEPARTMENT OF  
NATURAL RESOURCES

Intervenor-Plaintiff,

**ORDER**

v.

UNITED STATES ARMY CORPS OF  
ENGINEERS,

Defendants,

and

FARGO-MOORHEAD FLOOD  
DIVERSION BOARD OF AUTHORITY  
and CITY OF OXBOW,

Intervenor-Defendants.

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Gerald W. Von Korff, **RINKE NOONAN**, P.O. Box 1497, Saint Cloud,  
MN 56302, for plaintiff.

Colin P. O'Donovan, **ASSISTANT MINNESOTA ATTORNEY  
GENERAL**, 445 Minnesota Street, Suite 900, Minneapolis, MN 55101,  
for the Minnesota Department of Natural Resources.

Robert E. Cattanach, **DORSEY & WHITNEY LLP**, 50 South Sixth  
Street, Suite 1500, Minneapolis, MN 55402, for the Fargo-Moorhead  
Flood Diversion Board of Authority.

Devon Lehman McCune, **UNITED STATES DEPARTMENT OF JUSTICE**, 999 18<sup>th</sup> Street, South Terrace, Suite 370, Denver, CO 80202, for defendant.

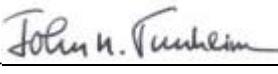
Joseph A. Turman, **TURMAN & LANG, LTD**, P.O. Box 110, Fargo, ND 58107, for the City of Oxbow.

**ORDER**

Based on the foregoing, and the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court's Order of April 21, 2017, [Docket No. 424], as clarified and affirmed in the Court's Order of October 18, 2017, [Docket No. 544] remains in effect.
2. Construction work may continue in accordance with the terms of the April 19, 2017, Stipulation [Docket No. 423], including agreed-to work scheduled to be performed in the 2017 construction season that was not timely completed.
3. With reference to the Diversion Authority's Letter Brief [Docket No. 584], both the work reflected in blue on the map attached as Exhibit A and the work reflected on the map attached as Exhibit B may proceed. The work reflected in red on the map attached as Exhibit A remains enjoined.
4. As before, if certain construction beyond the scope of the Stipulations and the Court's Orders would have no impact on Minnesota's waterways, the Court will consider requests to allow such construction to go forward.

DATED: May 2, 2018  
at Minneapolis, Minnesota.

  
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**JOHN R. TUNHEIM**  
Chief Judge  
United States District Court